

REMARKS

The application includes claims 1, 2, 4-6, 8-12, 14-20, 22, 24-28, 30-34, 36, 37, and 39.

No claims are amendeded herein. No new matter is added.

The application remains with claims 1, 2, 4-6, 8-12, 14-20, 22, 24-28, 30-34, 36, 37, and 39 after entering this response.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claims 1, 2, 4-6, 8-10, 22, 24-28, 30-33, 37, and 39 under 35 U.S.C. § 112, first paragraph.

The rejection is traversed.

In rejecting claim 1, the Examiner alleged that “The Applicant’s Specification does not describe these steps where the steganographic program is excluded, or the display of a list, developed based on a comparing step of programs modified by the steganographic program” (page 4, lines 4-6 of the Final Office Action).

The Examiner’s attention is directed to page 8, lines 8-10 of the specification which states that “The steganographic signature directory at 14 was obtained by assembling a series of steganographic programs... which implement steganography.” Furthermore, “an important file in each of these steganographic programs was identified and chosen” (page 8, lines 16-17). Then, “Once the chosen files were identified, they were put into a specific steganographic directory containing no other files” (page 8, lines 30-31). As stated in the specification at page 6, lines 28-29, “The specific steganographic signature directory itself (see 14) is excluded from this procedure.”

Additionally, Applicant’s specification states that “Because all files on a computer hard disk other than the signature directory and those on the exclusion list are compared with steganographic signatures, a user of the process 10 can be confident that all steganographically modified files will be identified for which there were steganographic signatures in the signature directory obtained at 14” (page 9, lines 8-12). Finally, “the procedure 24 to 46 iterates until it has either ended at 32 or the current directory has become the root search directory and all files in it have been checked for steganography. The results of checking at 42 are then reported at 52 to a user of the process 10” (page 7, lines 10-16).

Accordingly, withdrawal of the rejection of claims 1, 2, 4-6, 8-10, 22, 24-28, 30-33, 37, and 39 is respectfully requested.

The Examiner rejected claims 1, 2, 4-6, 8-10, 22, 24-28, 30-33, 37, and 39 under 35 U.S.C. § 112, second paragraph.

The rejection is traversed.

In rejecting claim 1, the Examiner alleges that “It is not clear from the context of the claim, which section of code is referred to in the last listed limitation above. As presented, it could apply to the steganographic program code, or the computer files from which the steganographic program is excluded” (page 5, last line, through page 6, line 2 of the Final Office Action).

Applicant respectfully submits that there is no ambiguity in the recited claim features, but that rather the “partial sections of the software code” are specifically associated with the identified “computer files comprising software code, wherein the steganographic program is excluded from the identified computer files,” as recited by claim 1. Since the steganographic program is excluded from the identified computer files, the Examiner’s alternative interpretation of the source code does not appear to logically follow.

Accordingly, withdrawal of the rejection of claims 1, 2, 4-6, 8-10, 22, 24-28, 30-33, 37, and 39 is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1, 2, 4-6, 8-12, 14-16, 18-20, 22, 24-26, 28, 30-34, 36, 37, and 39 under 35 U.S.C. § 103(a) over Cowie *et al.* (U.S. Patent Application Publication No. 2003/0023865) and variously in view of Feigen *et al.* (U.S. Patent Application Publication No. 2002/0138554), Vella (U.S. Patent Application Publication No. 2003/0212913), Atkinson (U.S. Patent No. 5,892,904), Pierre Richer: SANS/GIAC Practical Assignment for GSEC Certification Version 1.4b: Steganalysis: Detecting hidden information with computer forensic analysis, SANS Institute 2003 (“Richer”), and/or Charbonneau (U.S. Patent No. 7,526,654).

The rejection is traversed.

The Examiner acknowledged that Cowie fails to disclose *locating a steganographic program comprising executable code that includes software calls that introduce steganographic*

items into a computer file, identifying, with a processing device, computer files comprising software code, wherein the steganographic program is excluded from the identified computer files, and displaying, based on said comparing, a listing of which of the computer files comprise software code that has been modified by the steganographic program, as recited by claim 1, and instead alleged that “Vella does teach such a feature ([0060]:program calls, fig. 3, [0064] a list of programs called by the steganographic executable is displayed)” (page 7, lines 12-13 of the Final Office Action). Applicant respectfully disagrees.

Initially, Applicant remarks that Vella, as is the case for Cowie, also fails to disclose a steganographic program in the first instance. Instead Vella describes a “method for detecting a potentially malicious executable file” (Abstract). According to Vella, “A dynamic library is a file of code that can be called by other executable code, either an application program or another DLL, but which unlike an executable file cannot be directly run” (page 3, paragraph 0060).

Applicant further remarks that while Vella describes that the DLL files are “called” by the executable file (page 3, paragraph 0061), the DLL file is not modified by the executable file. Accordingly, even assuming, arguendo, that Vella discloses displaying the DLL files or system calls at paragraph 0064, this nevertheless fails to disclose *displaying, based on said comparing, a listing of which of the computer files comprise software code that has been modified by the steganographic program*, as recited by claim 1. Rather, according to Vella, “The database 330 contains only the names of DLL files etc. which it is known a priori are potentially malicious” (page 3, paragraph 0064).

Assuming, arguendo, that the Examiner instead intended to identify the DLL files as the recited steganographic program, Applicant respectfully submits that Vella therefore fails to disclose that *the steganographic program is excluded from the identified computer files*, as recited by claim 1. Rather, Vella describes that “The name of the extracted dependent program code, e.g. ‘wsock32.dll’, is cross-checked, step 324, against a database 330 of known executable code or dynamic link library (DLL) file names representing known programs that could be used maliciously” (page 3, paragraph 0064).

Allowable Subject Matter

The Examiner objected to claims 17 and 27 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

While Applicant agrees with the Examiner that claims 17 and 27 are allowable, Applicant respectfully declines to amend claims 17 and 27 on the basis that the independent claims 11 and 31, upon which they depend, are themselves allowable as discussed above with respect to the 35 U.S.C. § 103 rejection.

Any statements made by the Examiner that are not addressed by the Applicant do not necessarily constitute agreement by the Applicant. In some cases, the Applicant may have argued the independent claims thereby obviating grounds for rejection of the dependent claims.

CONCLUSION

For the foregoing reasons, the Applicant respectfully requests reconsideration and allowance of the present application. The Examiner is encouraged to telephone the undersigned at (503) 546-1812 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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